



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,607	11/10/2003	Daniel Holt	12929.1106US01	4697
23552	7590	09/28/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SCHULTERBRANDT, KOFI A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,607

Applicant(s)

HOLT ET AL.

Examiner

Kofi A. Schusterbrandt

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This first Office Action is in response to Applicant's originally filed Application received in the Office on November 10, 2003 in this case.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 recites the limitation "the predetermined position" in line 1. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear what position is being claimed. No art has been applied to claim 17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

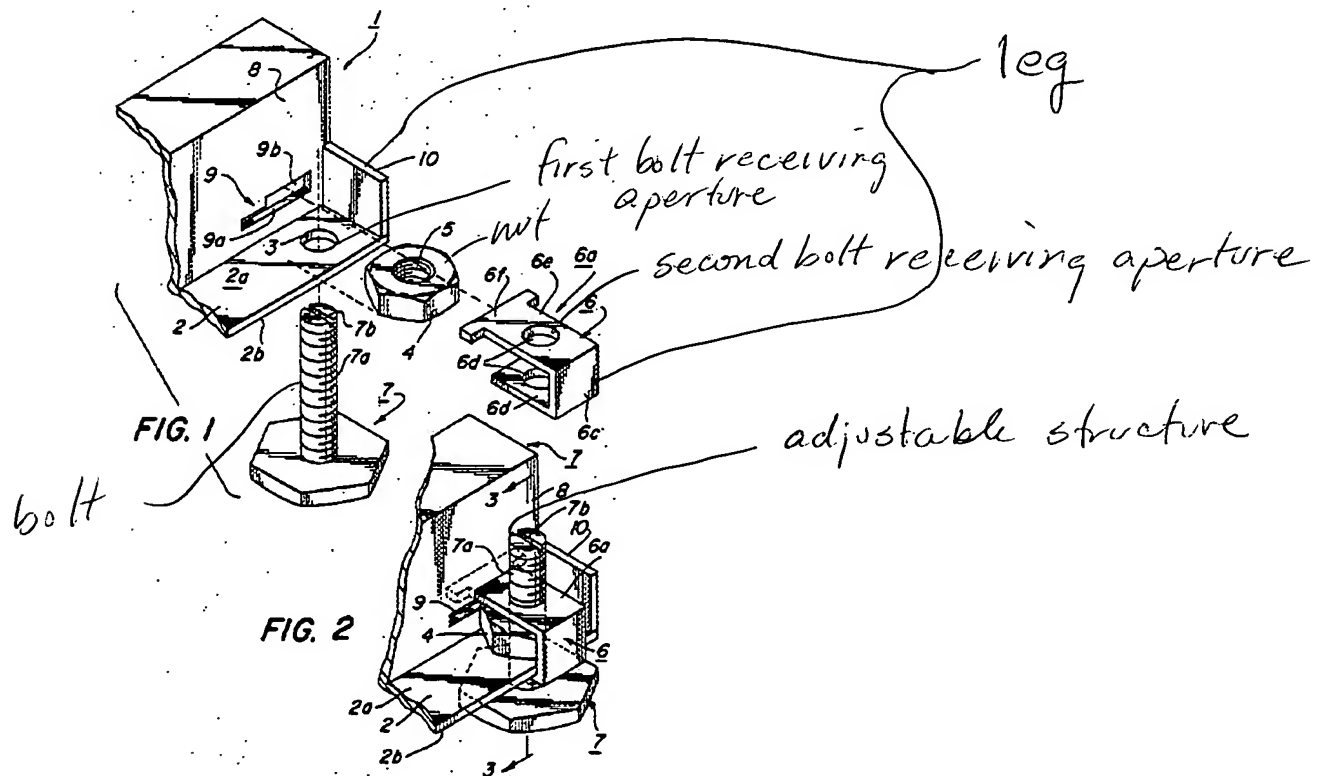
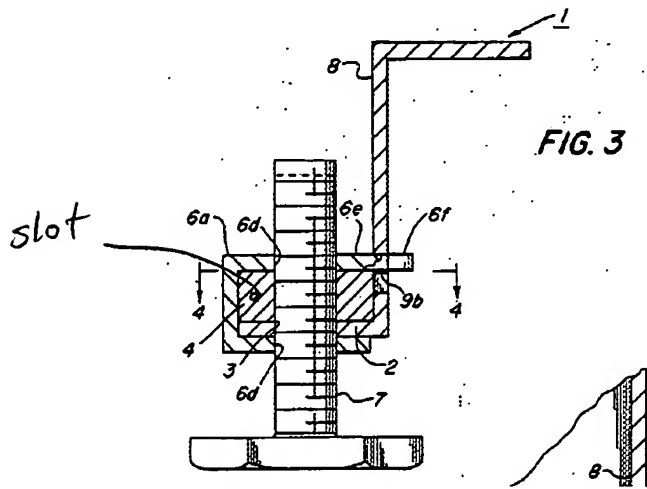
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by White (4,915,334). White teaches each feature of the claimed invention as shown below. White clearly inherently teaches each of the following method steps:

Art Unit: 3632

1) positioning the nut in the nut receiving structure thereby retaining the nut; 2) threading the bolt into the threaded aperture of the nut by engaging the adjustment structure (7b) to rotate the threaded bolt relative to the nut; 3) moving the bolt through the bolt receiving aperture without engaging the bolt; and 4) moving the nut into the slot.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over White (4,915,334), in view of Wooley (1,178,695). White teaches, substantially, each feature of the claimed invention as discussed above. White teaches a hexagonal (six-sided) nut but does not teach a square (four-sided) nut. Wooley, however, teaches a square nut. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified White's nut shape to be square as taught by Wooley instead of hexagonal as both shapes would function equivalently as long as there was one flat side to mate with a flat side of the nut receiving structure.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibodeau (5,241,948), in view of (4,915,334). Thibodeau teaches, substantially, each feature of the claimed invention. Thibodeau does not teach the claimed leveling system. White, however, teaches the claimed leveling system. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Thibodeau to utilize White's leveling system as both Thibodeau's and White's leveling systems would function equivalently.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thibodeau (5,241,948), in view of White (4,915,334) and Wooley (1,173,695). Thibodeau and White teach, substantially, each feature of the claimed invention. Neither Thibodeau nor White teach a square nut. Wooley, however, teaches a leveling system utilizing a square nut. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified White's nut shape to be square as taught by Wooley instead of hexagonal as both shapes would function equivalently as long as there was one flat side to mate with a flat side of the nut receiving structure which White satisfies.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over White (4,915,334), in view of Burgess (4,248,271). White teaches, substantially, each feature of the claimed invention as discussed above. White does not teach an allen wrench connection. Burgess, however, teaches an allen wrench connection (18 and 19). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified White's screw driver connection to be an allen wrench connection as taught by Burgess as both connections would work equivalently in White's invention.

Prior Pertinent Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '435 to Lowther teaches a threaded leveling mechanism.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kofi Schulterbrandt
September 20, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER